
EVALUATOR MANUAL TRANSMITTAL SHEET

<u>Distribution:</u> <input type="checkbox"/> All Child Care Evaluator Manual Holders <input type="checkbox"/> All Residential Care Evaluator Manual Holders <input checked="" type="checkbox"/> All Evaluator Manual Holders	<u>Transmittal No.</u> 02APX-12
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Subject:

APPENDIX F – PROGRAM INVESTIGATIONS MODEL

Reason For Change:

The Program Investigations Model was moved from Reference Material – Enforcement Actions to Appendix F for ease in locating material.

Filing Instructions:

☐ REMOVE –
☒ INSERT – This Section

Approved:

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11-22-02
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PROGRAM INVESTIGATIONS MODEL

The changes recommended in the *Program Investigations Model* are intended to streamline and standardize the current investigative process that is used throughout the State. Increased effective communication is a concept that emerged from the Statewide Investigations' Survey completed in December 2000, as well as from the Investigations' Workgroup. Many of the suggested changes have been developed from "best practices" used throughout the state.

The intent of these changes is to provide a standard statewide model to be used, in concept, for all investigations. It is designed to be flexible and allow for adaptations, depending upon the complexity of any given investigation.

The *Model* (and recommended Attachments) is not intended to replace all investigative forms currently in use. The Workgroup did not address forms such as the Service Request document and Report Writing Formats that are presently in use in the four Regions, at this time. Standardization of forms has been identified by the Supervising Special Investigators, as a statewide concern.

The Workgroup also recognizes that procedures and conditions vary throughout the State. In some areas there is established protocol for specific situations that do not exist anywhere else in the State. The *Model* will need to be adapted for those situations.

For example, currently Los Angeles Region Investigations processes complaint referrals that are sent to the Region from the Los Angeles County Child Protection Hotline. These referrals are sent 24 hours a day, seven days a week and are reviewed by investigative staff to determine Priority, follow-up and routing. Although the majority of these cases are not Priority I or Priority II referrals, a specific intake protocol has been established. This situation is unique to Los Angeles Investigations.

The following narrative refers to the *Program Investigations Model* schematic:

REFERRAL PROCESS

1. Complaint allegations are received by the Regional Office (District Office).
2. Complaint allegations are reviewed to determine Priority. (I,II,III,IV)

The Investigative Priorities Section of the Evaluator Manual, Sections 1-0600, 1-0610, 1-0620, 1-0630 and 1-0640, has been revised by the Workgroup to more accurately reflect current standards and to be compatible with the *Program Investigations Model*.

3. Complaint allegations are reviewed by the Local Unit Manager and Priority III and IV allegations are typically referred to an Licensing Program Analyst for investigation.
4. Priority I and II complaints submitted to the Local Unit Manager will be reviewed by a team. Typically, the team will be composed of a Supervising Investigator or Lead Investigator and a Local Unit Manager (or Licensing Program Analyst). This review can be accomplished in person or by telephone, depending on specific need. The purpose of team review/consultation is to determine the appropriate work assignment. The team review can be conducted once a day for routine complaint referrals and “as needed” for urgent referrals, depending on the specific Program need or feasibility in a given geographic area
5. **Priority I Complaints**
During the referral process **all Priority I complaints** accepted by Program Investigations shall also be referred to Community Care Licensing Division Legal Division for attorney assignment. Upon receipt of a **Priority I complaint**, the Supervising Special Investigator shall call the assigned Deputy General Counsel and shall fax a copy of the *Complaint Report (LIC 802)* and the name of the assigned Program Investigator to the Deputy General Counsel for assignment. It is the **responsibility of California Department of Social Services Legal Division to contact the assigned Program Investigator for case consultation/progress report.** (refer to California Department of Social Services Legal Protocol for Priority I complaints)
- 6-7 During the team review, collaborative decisions will be made regarding the amount and type of staff needed to complete a thorough investigation; the development of an initial investigative plan; and the development of an approximate timetable for the investigation. This is designed to be a flexible process. Urgent, high profile investigations will, by necessity, require more planning and collaboration (as they do now). Less urgent, routine cases may require very little discussion.
- A. **INVESTIGATION FIELDWORK**
The fieldwork necessary to complete the investigation will be conducted either jointly or individually by any combination of investigator(s) or Licensing Program Analyst(s). The determination is made in a discussion during the team review (usually between the Supervising Investigator and Local Unit Manager) in initial complaint consultation. However, there may be special situations that occur during the course of the fieldwork, which necessitate additional staff assignments or a revised plan. These are collaborative decisions between the Regional Office (District Office) and Program Investigations.

The *Program Investigations Case Tracking Chronology* has been developed to assist the investigator with documenting and tracking work completed during the course of an investigation. It replaces the blank chronology form that is kept in the investigator's working case file and is currently used in many Regions. This form will enhance the investigator's quick access to information during the course of investigative fieldwork. (SEE ATTACHMENT 6)

B. CONSULTATION

The concept of consultation and lateral communication is the most important component of the *Model*. They should be utilized at any juncture in the Investigative Process, beginning at the Team Review of Priority I and II complaints/Special Assignments and continuing throughout the Decision-Making Phase.

Since many investigators will be out-stationed to Regional Offices (District Offices) (**whenever practical**), they can be available to provide ongoing general consultation to the Regional Office (District Office) staff regarding investigative issues. In some cases, several investigators may be assigned to one Regional Office (District Office) and can rotate this function, if necessary.

In addition to ongoing consultation, three other components have been built into the *Program Investigations Model* to facilitate lateral communication:

Monthly Legal Consultation Meeting

All Regional Offices (District Offices) hold a monthly staff meeting with a California Department of Social Services legal consultant to review cases. The Supervising Investigator or designated Investigator shall attend these meetings for the purpose of case consultation and to provide a case update/ investigative plan for all Priority II cases assigned to Program Investigations from that Regional Office during the month. The assigned investigator shall complete a *Program Investigations Case Status Report* for each new Priority II case accepted during the month. These reports will be presented and discussed at the Regional Office Monthly Legal Consultation Meeting. (Priority I cases have already been referred to California Department of Social Services Legal Division for attorney assignment but can also be discussed).

Investigative Case Updates

As needed, additional case updates on any open investigation can be provided by the Supervising Investigator, Lead Investigator or Investigator to the designated Regional Office (District Office) staff. This update can be verbal or in writing.

The *Program Investigations Case Status Report* is **MANDATORY** for all new Priority II cases, but continues to be **OPTIONAL** for additional case updates during the course of the investigation. It has been developed as an E-mail document.
(SEE ATTACHMENT 7)

Priority II Complaint Cases

Priority II physical and sexual abuse cases shall continue to require a **MANDATORY** inconclusive legal consultation prior to the closure of the case. (Priority I cases have already been referred to California Department of Social Services Legal Division for attorney assignment and on-going consultation)

C. Monthly Regional Office (District Office) Staff Meeting

Most Regional Offices (District Offices) conduct a monthly staff meeting for the purpose of disseminating general program/office information. Since many investigators will be out-stationed to a Regional Office (District Office), this is a good forum for information sharing among investigators and Regional Office (District Office) staff. It also creates an opportunity for the Regional Office (District Office) or Program Investigations to provide In-service training.

D. DECISION MAKING PROCESS

During the final phase of the investigation, as fieldwork nears completion, critical issues regarding the case will normally be discussed with appropriate staff. This may include any of the following: Program Administrator, Regional Manager (District Manager), Local Unit Manager, Licensing Program Analyst, California Department of Social Services Legal staff, Supervising Investigator, Lead Investigator, Case Investigator. It is unlikely that all, or even most of these parties will need to be contacted prior to the completion of a case. **Nor will these parties have “veto power” over the investigator’s case findings.** It is simply *good investigative practice* to communicate with the involved parties prior to delivering findings to the Regional Office (District Office) and it is a practice that is already being done in many cases.

It should be noted that the Workgroup has **not recommended any change**, at this time, regarding the investigator’s responsibility to arrive at **Investigative Findings** at the conclusion of their investigation. Currently, Community Care Licensing Division investigators (with concurrence of the Supervising Investigator) make findings regarding the allegations in their investigation. The Regional Office (District Office) may discuss or dispute those findings with the Supervising Investigator and/or the Program Administrator. The Workgroup has **not recommended any change** to this current policy.

REPORT WRITING

When an investigation has been completed a report must be written by the case investigator to accurately memorialize the course of the investigation. Although this is sometimes a lengthy and time-consuming process, it is a necessary one when investigating complex Priority I and II allegations.

However, investigators also complete a variety of Special Assignments for the Regional Offices (District Offices) and for California Department of Social Services Legal staff. In these task-oriented cases, a lengthy report is not needed. The Investigative Assignment Report has been developed to streamline the process. This form is a cover sheet that eliminates the need for writing a cumbersome report after completing an assignment. (SEE ATTACHMENT 3)

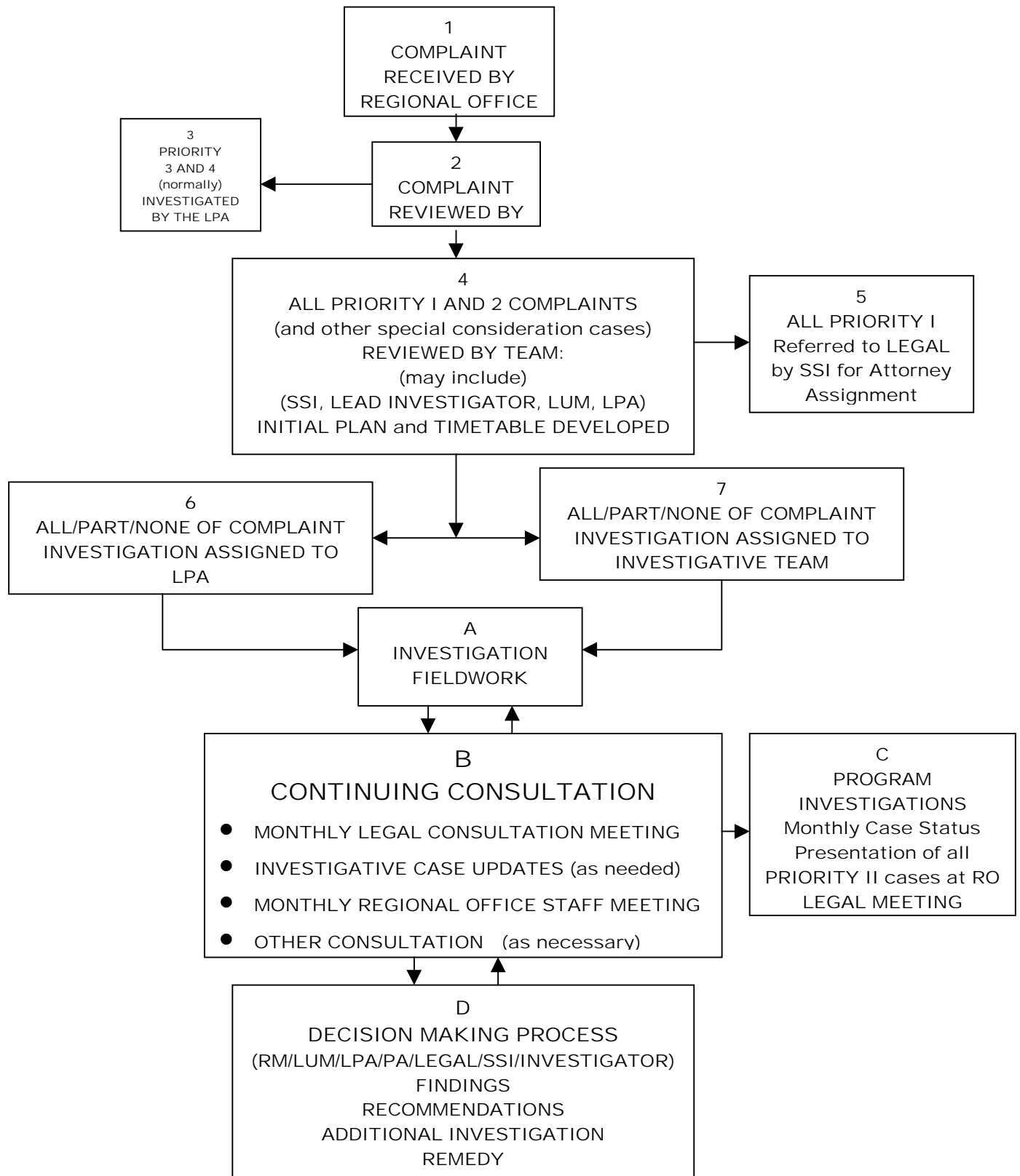
COMPLAINT REPORT (LIC 802)

When a *Complaint Report (LIC 802)* is referred to Program Investigations it should contain complete information about the allegations, complainant, victim, witnesses and suspect. Often, *Complaint Reports (LIC 802)* are not written in a clear concise manner and they do not contain complete information. Two documents have been developed to assist the Licensing Program Analyst or other staff in accurately recording the complaint allegation information.

The Complaint Report (LIC 802) Guide should be posted and referenced by any staff taking a complaint. The *Guide* can be used as a worksheet or solely as a reference guide to assist staff in asking for complete information at the time the complaint is taken. (SEE ATTACHMENT 4)

The Program Investigations Attachment for Unlicensed Referrals has been developed to ensure that complete information is captured at the time a complaint of Unlicensed Operation is referred to Program Investigations. Often, investigators spend valuable investigative time contacting Regional Office (District Office) staff to obtain this information after the referral has already been made. When this Attachment is completed by the Licensing Program Analyst (documenting any known information about the unlicensed situation) and attached to the Complaint (LIC 802) when it is referred, assessment time and investigative time will be decreased. (SEE ATTACHMENT 5)

PROGRAM INVESTIGATIONS MODEL





INVESTIGATIVE ASSIGNMENT REPORT

Date Assigned:	Date Completed:
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To:

Regional Office/Other:	Program:
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Type of Facility:	Facility Number:	P.I. Case #:
Facility Name:		<u>NO FURTHER ACTION REQUIRED</u> <input type="checkbox"/> <u>UPGRADE TO INVESTIGATION</u> <input type="checkbox"/>
Address:		
City:	Telephone:	
Subject :	Licensee:	

SUMMARY OF TASKS COMPLETED

<input type="checkbox"/>	OBTAINED CRIME REPORT _____ (attached)
<input type="checkbox"/>	OBTAINED OTHER DOCUMENTS(specify) _____ (attached)
<input type="checkbox"/>	ACCOMPANIED LPA ON VISIT _____ (attached)
<input type="checkbox"/>	CONDUCTED INTERVIEW(S) _____ (attached)
<input type="checkbox"/>	SERVED/PROVIDED SUBPOENA _____ (attached)
<input type="checkbox"/>	ASSIST OTHER INVESTIGATOR _____ (attached)
<input type="checkbox"/>	LEGAL ASSIST _____ (attached)
<input type="checkbox"/>	OTHER _____ (attached)

<input type="checkbox"/> INVESTIGATIVE DETAILS ATTACHED	<input type="checkbox"/> INVESTIGATIVE DETAILS NOT APPLICABLE
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INVESTIGATOR NAME:
INVESTIGATOR SIGNATURE: DATE:
SUPERVISING SPECIAL INVESTIGATOR:

INSTRUCTIONS FOR USE

INVESTIGATIVE ASSIGNMENT REPORT

The *Investigative Assignment Report* is a cover sheet designed to replace the investigative report for Special Assignments completed by Program Investigations. The cover sheet is used during the report Writing Phase of the investigation and is intended to significantly streamline the process for completing a Special Assignment by eliminating the need for writing a cumbersome report after completing the assignment.

1. The Case Investigator completes the entire cover sheet (except the Supervising Special Investigator's signature box) and submits the *Investigative Assignment Report* with attached documents to the Supervising Special Investigator for review and signature.
2. The Supervising Special Investigator reviews and signs the *Report*. The case is then logged and distributed to the appropriate parties (Investigator, R.O., California Department of Social Services Legal, etc.).

COMPLAINT REPORT (LIC 802) GUIDE

This is designed to be a reference guide to any Community Care Licensing Division staff person who fills out a Complaint Report (LIC 802). Typically, a Licensing Program Analyst completes the LIC 802. However, there are some circumstances that call for other staff (e.g., Local Unit Managers, Investigators, Managers) to document complaint allegations on the Complaint Report (LIC 802).

COMPLAINANT/REPORTING PARTY:

- NAME complainants who insist on remaining anonymous require additional questioning/persuading: explain confidentiality requirement and difficulty of investigation without identity.
- ADDRESS/PHONE #s complete information is essential; where to contact for more info/resolution of complaint
- RELATIONSHIP/INVOLVEMENT WITH FACILITY/AGENCY

VICTIM(S):

- NAME / NICK NAME
- SEX
- DATE OF BIRTH
- CURRENT ADDRESS/TELEPHONE #
- RESPONSIBLE PARTY/AUTHORIZED REPRESENTATIVE: PHONE #/AGENCY/ADDRESS

SUSPECT(S):

- NAME / NICK NAME
- SEX
- DATE OF BIRTH/APPROXIMATE AGE
- CURRENT ADDRESS/TELEPHONE #
- RELATIONSHIP TO FACILITY (if any)

WITNESSES(S):

- NAME / NICK NAME
- SEX
- DATE OF BIRTH/APPROXIMATE AGE
- CURRENT ADDRESS/TELEPHONE #

SUMMARY OF THE INCIDENT / COMPLAINT:

- WHAT HAPPENED? Be specific and concise –♦Who? ♦What? ♦When? ♦Where? ♦Why? ♦How?
- DATE AND TIME OF INCIDENT
- WHERE DID IT HAPPEN?
- ANY PRIOR INCIDENTS? HOW DID THE COMPLAINANT BECOME AWARE OF THE INCIDENT?

POLICE / SHERIFF INVOLVEMENT:

- NAME OF AGENCY
- NAME OF INVESTIGATING OFFICER
- CRIME REPORT #

-
- **FACILITY INFORMATION:** name, facility type, address, telephone #
 - **REPORTING:** was a suspected abuse report filed? Was an incident report filed?
 - **ADDITIONAL INFORMATION:** pertinent facility history, prior investigations, etc., assess Priority (I,II,III,IV)
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INSTRUCTIONS FOR USE

COMPLAINT REPORT (LIC 802) GUIDE

The Complaint Report (LIC 802) Guide is designed to be used as a reference guide to any Community Care Licensing Division staff person who fills out a *Complaint Report (LIC 802)*. The purpose of the *Guide* is to assist staff in obtaining complete and accurate information from the complainant at the time the complaint allegations are taken. The *Guide* can be posted as a reference source or used as a worksheet for gathering information. If utilized, the Complaint Report (LIC 802) Guide will save investigative time that is currently used to track down missing or inaccurate information on the *Complaint Report (LIC 802)*.

1. The Complaint Report (LIC 802) Guide is distributed to all Regional Office staff and Program Investigations staff. The *Guide* can be posted in duty officer areas and can be added to the Evaluator Manual as reference material.
2. The Complaint Report (LIC 802) Guide can also be used for in-service training.

PROGRAM INVESTIGATIONS ATTACHMENT
FOR UNLICENSED REFERRALS

Program Investigations will accept requests for Unlicensed facility investigations when efforts by RO staff have failed to obtain compliance according to Evaluator Manual Section 1-0640

- **Please attach this document to your Unlicensed Complaint**

HAS THE FACILITY BEEN REVOKED OR CONTINUED TO OPERATE DURING A T.S.O.? _____
HAS THE L.P.A. BEEN REFUSED ENTRY TO THE FACILITY? _____
HAS THE R.O. MADE AN INITIAL VISIT, AND THE OPERATOR FAILED TO COMPLY? _____

(if any of the above answers are “yes”, please refer the case to Program Investigations)

NAME OF UNLICENSED OPERATOR(S): _____
PRIOR COMPLAINTS AGAINST UNLICENSED OPERATOR? YES ☐ NO ☐
(PLEASE ATTACH PERTINENT INFORMATION)
TYPE OF UNLICENSED FACILITY: _____
FACILITY ADDRESS: _____
NUMBER OF SUSPECTED CLIENTS: _____
IF RESIDENTIAL FACILITY, DO ALL RESIDENTS REQUIRE CARE AND SUPERVISION? YES ☐ NO ☐
IF “NO”, HOW MANY DON’T REQUIRE CARE AND SUPERVISION? _____

DATE OF R.O. VISIT: _____
DID LPA GAIN ENTRANCE? YES ☐ NO ☐
(please attach pertinent documents)

WERE INTERVIEWS CONDUCTED? YES ☐ NO ☐
(please attach pertinent documents)

WAS A NOTICE OF VIOLATION ISSUED? YES ☐ NO ☐
DATE OF NOTICE: _____ TYPE OF NOTICE: IMMEDIATE _____ 15 DAYS _____
CIVIL PENALTIES ASSESSED? YES ☐ NO ☐ DATE: _____

DATE AND RESULTS OF FOLLOW-UP VISITS TO THE FACILITY: _____
(please attach pertinent documents)

DOES THE UNLICENSED OPERATOR HAVE ANY LICENSED FACILITIES? YES ☐ NO ☐
WHERE: _____
(please attach pertinent documents)

HAS ANY LEGAL ACTION EVER BEEN TAKEN AGAINST THE UNLICENSED OPERATOR?
YES ☐ NO ☐ TYPE OF ACTION _____
(please attach pertinent documents)

ANY SPECIAL
CIRCUMSTANCES? _____

CONTACT PERSON: _____ PHONE #: _____

INSTRUCTIONS FOR USE

PROGRAM INVESTIGATIONS ATTACHMENT FOR UNLICENSED REFERRALS

The *Program Investigations Attachment for Unlicensed Referrals* is designed as an attachment to the *Complaint Report (LIC 802)*, to be completed at the time a referral of Unlicensed Operation is made to Program Investigations. The *Attachment* should be included with any unlicensed referral that is made to Investigations. The purpose of the *Attachment* is to ensure that complete information regarding the unlicensed situation is captured at the time the referral is made. If utilized, the *Program Investigations Attachment for Unlicensed Referrals* will save valuable investigative time that is currently spent obtaining the necessary information after the referral has been made. In addition, this document will allow for faster and more accurate assessment of high-risk situations.

1. Regional Office (District Office) staff complete the *Program Investigations Attachment for Unlicensed Referrals* and attach it to a *Complaint Report (LIC 802)* that alleges Unlicensed Operation
2. The Regional Office (District Office) then forwards the complaint to Program Investigations to be included in the Team Review – Referral Process.

PROGRAM INVESTIGATIONS CASE TRACKING CHRONOLOGY

CASE ACTIVITY	DATE(S) PERFORMED	COMMENTS
REVIEW OF FACILITY FILE:		
MEETINGS W/FACILITY LPA:		
MEETINGS W/LUM/RM:		
CONTACTS/MEETINGS WITH LEGAL:		
FACILITY VISIT(S):		
REVIEW OF RECORDS AT FACILITY:		
CLETS/DMV/SOUNDEX:		
COURT RECORDS CHECKED/OBTAINED:		
POLICE/SHERIFF RECORDS:		
MEDICAL RECORDS		
MEDICAL RELEASE/ SUBPOENA:		
OTHER RECORDS OBTAINED: (probation, psych., financial)		
INTERVIEWS:		
VICTIM(S)		
WITNESS(ES)		
SUSPECT(S)		
TESTIMONY:		
OTHER:		

RECOMMENDATION/RESULTS:

☐ NONE
☐ NON-COMPLIANCE CONFERENCE
☐ REVOCATION ☐ TSO
☐ EXCLUSION(S)

P.I. CASE NUMBER: _____

P.I. CASE DISPOSITION:

☐ SUBSTANTIATED
☐ INCONCLUSIVE
☐ UNFOUNDED

INSTRUCTIONS FOR USE

PROGRAM INVESTIGATIONS CASE TRACKING CHRONOLOGY

The *Program Investigations Case Tracking Chronology* is designed to be used by the investigator during the fieldwork phase of an investigation. The purpose of the form is to assist the case investigator in tracking and documenting activities that are completed during the course of the investigation. The form is recommended for use as an organizational tool. It is designed to be kept in the **investigator's** working file and updated regularly, as tasks are completed.

1. The case investigator documents investigative fieldwork tasks on the Chronology, as they are completed during the course of the investigation.
2. The Chronology is kept in the case **investigator's** working file.

PROGRAM INVESTIGATIONS
CASE STATUS REPORT
ATTORNEY – CLIENT PRIVILEGE

RO Case Received From:	_____	Investigator:	_____
P.I. Case Number:	_____	Supervising Investigator:	_____
Facility Name:	_____	Licensing Program Analyst:	_____
Licensee Name:	_____	Local Unit Manager (LUM):	_____
Facility Type:	_____	Consulting Attorney:	_____
Facility Number:	_____	RO Legal Consult Date:	_____
Date Case Assigned:	_____	Date First Report Sent:	_____
Date Case Due:	_____	Updated Report Sent:	_____

ALLEGATION (S) UNDER INVESTIGATION:

CASE ACTIVITY TO DATE: (i.e., interviews, 10-day visit, subpoenaed documents, other, dates received)

FURTHER PLANNED ACTION / INVESTIGATIVE PLAN:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

OTHER PERTINENT INFORMATION:

This information has been released from a California Department of Social Services file. Intentional re-disclosure may result in civil action by the harmed party. Re-disclosure authority should be verified. California Civil Code Section 1798.53

INSTRUCTIONS FOR USE

PROGRAM INVESTIGATIONS CASE STATUS REPORT

The *Program Investigations Case Status Report* is designed to be used during the Consultation phase of the investigation but can be utilized at any time, as needed. The purpose of the form is to document case progress and keep the Regional Office (District Office) and California Department of Social Services Legal Division informed of the on-going status of the investigation or Investigative Plan as it continues. This form is an *Attorney-Client Privilege* document and must be protected in order to retain that privilege. It may be particularly useful in situations where there is a large geographic distance between a Regional Office (District Office) and a Program Investigations Office or in situations where case updates are needed more often. The form can be used a hard copy or E-mail document and should be placed in the CONFIDENTIAL Section of the R.O. facility file.

The form is **mandatory** for use at the Monthly Legal Consultation Meeting at each Regional Office. The investigator must complete a *Program Investigations Case Status Report* for each new PRIORITY II case during the month. (PRIORITY I cases have already been referred to California Department of Social Services Legal Division during the referral process). Status reports will be discussed with RO and Legal staff at the monthly legal meeting. The form continues to be optional for additional use throughout the course of the investigation.

1. The case investigator completes the form and sends it to the Supervising Special Investigator for review. When supervisor review is complete, the Supervising Special Investigator forwards a copy of the report to the Regional (District) Office Manager and to the California Department of Social Services consulting attorney for that RO.
2. The Regional (District) Office Manager forwards the copy of the *Program Investigations Case Status Report* to the Local Unit Manager and Licensing Program Analyst for review and discussion at the RO Monthly Legal Consultation Meeting.
3. Updates to the form should be added in **bold** to existing text.
4. A **copy** of the Report is given to the **Regional Office (District Office)** to be placed in the **Confidential Section** of the R.O. facility file.
5. The **original** Report is placed in the **Program Investigations** original case file.

This information has been released from a California Department of Social Services file. Intentional re-disclosure may result in civil action by the harmed party. Re-disclosure authority should be verified. California Civil Code Section 1798.54